

REMARKS/ARGUMENTS

STATUS OF THE CLAIMS

In response to the restriction requirement of March 4, 2005, Applicant elected Claims 31 to 34 for prosecution. Claims 31 to 34 were rejected under 35 U.S.C. §103(a) in the Office Action of July 7, 2005.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claims 31 to 34 stand rejected under 35 U.S.C. §103(a) as being obvious over United States Patent No. 4,184,230 to Fox *et al* (hereinafter referred to as “Fox”).

The Examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. *MPEP* §2142. To establish a prima facie case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, to modify the references or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art must teach all the claim limitations. *MPEP* §2142. The Fox reference, alone and in combination with other references does not teach or suggest all the claim limitations of the present application.

Applicant respectfully points to the final prong of the test, which states the prior art must teach all the claim limitations.

The Fox Reference

The Fox reference generally discloses an apparatus and method for processing poultry and other fowl for removal of the windpipe, esophagus and crop from the neck of the fowl. The Fox reference discloses having fowl suspended with their necks hanging down are moved on an

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overhead conveyor in synchronism with a rotating holding and positioning carriage where a cutting blade is rotated in synchronism with the holding and positioning carriage against the back of the fowl neck to cut an incision to a controlled depth and to break the neck bone.

Claim 31 recites “[a] method of manufacturing a cam for use in food processing machinery comprising the steps of: establishing a desired three-dimensional follower boundary about a cam, determining a two-dimensional representation of said desired three-dimensional follower boundary, utilizing said two-dimensional representation to shape a plastic guide in two dimensions, wrapping said plastic guide about the cam along said desired three-dimensional follower boundary to form a follower boundary.”

The Fox reference does not disclose or teach a method of manufacturing a cam for use in food processing machinery. At best, Fox discloses an apparatus with a cam arrangement and structure that is similar to known arrangements that are described in the background of the invention portion of the instant application.

Page 2 of the Office Action states that “the device of Fox et al teach a cam 60 having a follower boundary or plastic guide 48.” Applicant respectfully disagrees. The Fox reference discloses item 48 as a lower neck holding wheel which “has a continuous, circular circumference 50 and is also formed from rigid plastic or another noncorrosive, lightweight material.” See Fox Col. 4 line 63 through Col. 5 lines 10. Thus, the neck holding wheel 48 of the Fox reference is not a “follower boundary” or a “plastic guide” as recited in the method elements of claim 31.

Since the lower neck holding wheel 48 of the Fox reference is not wrapped about the cam 60, the Fox reference does not teach or suggest “wrapping said plastic guide about the cam along said desired three-dimensional follower boundary to form a follower boundary” as recited in claim 31.

Furthermore, since the lower neck holding wheel 48 of the Fox reference is not a three dimensional follower boundary, the step of “establishing a desired three-dimensional follower boundary about a cam” has not already occurred.

The Fox reference discloses a cam 60 which is “[p]ositioned beneath the neck-holding wheel 48 is a generally cylindrical, rigid plastic cam 60 supported on adjustable legs 62 on frame beams 34, 35.” See Fox Col. 5 lines 44 through 68. Col. 5 of the Fox reference states “[c]am 60 has an upper surface 64 forming a cam track which is generally vertically aligned with the periphery of wheel 48 for raising and lowering the pivotable forks which rest thereagainst as the wheel 48 is rotated by central shaft 42.” Thus, at best, the Fox reference teaches that the upper surface 64 of a cam 60 is a follower surface.

However, being that Fox discloses a cam 60 that is rigid, it follows that the upper surface 64 of the Fox Cam is an integral part of the cam 60, then it would not have been possible to perform the steps recited in claim 31 much less the step of “wrapping said plastic guide about the cam along said desired three-dimensional follower boundary to form a follower boundary” because the upper portion of the cam itself provides such a boundary.

Thus, in view of at least the foregoing statements, the Fox reference taken alone or in combination with other references does not teach or suggest all of the features as recited in claims 31 to 34 of the present application. Thus, claims 31 to 34 are allowable and non-obvious over the cited reference. In light of the foregoing argument, Applicant respectfully requests withdrawal of the standing rejection to claim 31 as being obvious over Fox. Claims 32 to 34 depend from claim 31 and are not anticipated or obvious over the Fox reference for at least the same reasons as claim 31.

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If there are any matters which can be clarified by telephone, the Examiner is requested to contact the undersigned attorney. It is believed there are no fees due in connection with the filing of this response. However, the Office is authorized to charge any fees due or credit any overpayments to Deposit Account No. 50-0354.

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